

1 AMENDMENT TO SENATE BILL 1586

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1586, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Open Meetings Act is amended by changing  
6 Section 2.06 as follows:

7 (5 ILCS 120/2.06) (from Ch. 102, par. 42.06)

8 Sec. 2.06. (a) All public bodies shall keep written  
9 minutes of all their open meetings and a verbatim record of  
10 all their closed meetings in the form of an audio or video  
11 recording. Minutes ~~whether open or closed. Such minutes~~  
12 shall include, but need not be limited to:

- 13 (1) the date, time and place of the meeting;
- 14 (2) the members of the public body recorded as  
15 either present or absent; and
- 16 (3) a summary of discussion on all matters  
17 proposed, deliberated, or decided, and a record of any  
18 votes taken.

19 (b) The minutes of meetings open to the public shall be  
20 available for public inspection within 7 days of the approval  
21 of such minutes by the public body.

22 (c) The verbatim record may be destroyed without

1 notification to or the approval of a records commission or  
 2 the State Archivist under the Local Records Act or the State  
 3 Records Act no less than 18 months after the completion of  
 4 the meeting recorded but only after: Minutes--of--meetings  
 5 closed-to-the-public-shall-be-available-only-after

6 (1) the public body approves the destruction of a  
 7 particular recording; and

8 (2) the public body approves minutes of the closed  
 9 meeting that meet the written minutes requirements of  
 10 subsection (a) of this Section. determines-that-it-is--no  
 11 longer--necessary--to--protect-the-public-interest-or-the  
 12 privacy-of-an-individual-by--keeping--them--confidential.  
 13 (e)

14 (d) Each public body shall periodically, but no less  
 15 than semi-annually, meet to review minutes and recordings of  
 16 all closed meetings. At such meetings a determination shall  
 17 be made, and reported in an open session that (1) the need  
 18 for confidentiality still exists as to all or part of those  
 19 minutes or (2) that the minutes or recordings or portions  
 20 thereof no longer require confidential treatment and are  
 21 available for public inspection.

22 (e) Unless the public body has made a determination that  
 23 the verbatim recording no longer requires confidential  
 24 treatment or otherwise consents to disclosure, the verbatim  
 25 record of a meeting closed to the public shall not be open  
 26 for public inspection or subject to discovery in any  
 27 administrative proceeding other than one brought to enforce  
 28 this Act. In the case of a civil action brought to enforce  
 29 this Act, the court may conduct such in camera examination of  
 30 the verbatim record as it finds appropriate in order to  
 31 determine whether there has been a violation of this Act. In  
 32 the case of a criminal proceeding, the court may conduct an  
 33 in camera examination in order to determine what portions, if  
 34 any, must be made available to the parties for use as

1 evidence in the prosecution. If the court or administrative  
2 hearing officer determines that a complaint or suit brought  
3 for noncompliance under this Act is valid it may, for the  
4 purposes of discovery, redact from the minutes of the meeting  
5 closed to the public any information deemed to qualify under  
6 the attorney-client privilege. The provisions of this  
7 subsection do not supersede the privacy or confidentiality  
8 provisions of State or federal law.

9 (f) Minutes of meetings closed to the public shall be  
10 available only after the public body determines that it is no  
11 longer necessary to protect the public interest or the  
12 privacy of an individual by keeping them confidential.

13 (Source: P.A. 88-621, eff. 1-1-95.)".